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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HILDEFONSO B. LUJANO, an individual and
on behalf of all others similarly situated,

Plaintiff,

v.

GREIF, INC., a Delaware Corporation;
GREIF PACKAGING LLC, a Delaware
limited liability company; RICARDO
TORRES, an individual; and DOES 1 through
100, inclusive,

Defendants.

CASE No.: 1:25-cv-00102-KES-BAM

**ORDER STRIKING FIRST AMENDED
COMPLAINT AND REQUIRING
PLAINTIFF TO FILE MOTION SEEKING
LEAVE TO AMEND**

On January 23, 2025, this action was removed from the Superior Court for the State of California, County of Merced, to the United States District Court for the Eastern District of California. (Doc. 1). Plaintiff's complaint was filed as Exhibit I to Defendants' Greif, Inc and Greif Packaging, LLC Notice of Removal. (*Id.*) On May 29, 2025, the Court held a status conference to address service of the complaint and Plaintiff's anticipated motion to remand. (Doc. 12). At the status conference, the Court directed Plaintiff to file a motion to amend the complaint to name Mr. Torres as a defendant on or before June 30, 2025. (*Id.*) On June 30, 2025, Plaintiff filed a First

1 Amended Complaint on the docket without seeking leave of the Court. (Doc. 14.) On July 1, 2025,
2 the Clerk of Court issued a summons to Mr. Torres. (Doc. 14).

3 Federal Rule of Civil Procedure 15 provides that “A party may amend its pleading once as a
4 matter of course no later than: (A) 21 days after serving it, or (B) if the pleading is one to which a
5 responsive pleading is required, 21 days after service of a responsive pleading or 21 days after
6 service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1). “In
7 all other cases, a party may amend its pleading only with the opposing party’s written consent or the
8 court’s leave.” Fed. R. Civ. P. 15(a)(2.)
9

10 Plaintiff’s docketed First Amended Complaint did not comply with the requirements of
11 Federal Rule of Civil Procedure 15, as it was untimely and no stipulation or leave was granted.
12 (See Doc. 13.) As Plaintiff did not comply with the Federal Rules of Civil Procedure for
13 amendment, the Court STRIKES the First Amended Complaint (Doc. 13). Plaintiff is directed to
14 either file a motion for leave to amend his complaint or file a stipulation with Defendants’ consent.
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18 IT IS SO ORDERED.

19 Dated: July 1, 2025

20 /s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE
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